

PCT/PTG
TENT COOPERATION TREATYFrom the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

27.10.2004

Applicant's or agent's file reference
baraldi

IMPORTANT NOTIFICATION

International application No.
PCT/IB 03/02913International filing date (day/month/year)
17.06.2003Priority date (day/month/year)
25.07.2002Applicant
BARALDI CHEMGROUP SRL et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:

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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 28 OCT 2004

WIPO PCT


Applicant's or agent's file reference baradli	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/B 03/02313	International filing date (day/month/year) 17.06.2003	Priority date (day/month/year) 25.07.2002
International Patent Classification (IPC) or both national classification and IPC G01J5/04		
Applicant BARALDI CHEMGROUP SRL et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
 - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(II) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 17.02.2004	Date of completion of this report 27.10.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Schmidt, C. Telephone No. +49 89 2399-2254



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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/B 03/02313**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-3 as originally filed

Claims, Numbers

1 received on 14.10.2004 with letter of 14.10.2004

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1
Industrial applicability (IA)	Yes: Claims	1
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document/s/:

- D1: US-A-3 933 044 (LOPER D ROGER ET AL) 20 January 1976 (1976-01-20)
- D2: US-A-3 101 618 (HANCE RICHARD J) 27 August 1963 (1963-08-27)
- D3: US-A-3 596 519 (BLONDER FRED ET AL) 3 August 1971 (1971-08-03)
- D4: EP-A-1 065 484 (HOLLANDER MILTON BERNARD) 3 January 2001 (2001-01-03)
- D5: FR-A-2 082 719 (HAIRDO SA) 10 December 1971 (1971-12-10)
- D6: US-A-3 160 009 (CARNEY DELMAR E) 8 December 1964 (1964-12-08)
- D7: US-A-6 091 444 (MCCARVILLE THOMAS J ET AL) 18 July 2000 (2000-07-18)

1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

As can be seen from the cited prior art, it is already well known in the art to monitor an industrial process by scanning the object to be measured in an automated manner:

D1 discloses monitoring temperatures in real time by scanning the vessel with a thermographic camera.

D2 discloses a rotary kiln temperature scanning system.

D3 discloses a hot spot detecting system for automatically measuring and recording temperature levels of a container.

D6 discloses a method of determining furnace temperatures.

D7 discloses an apparatus for continuously monitoring a melt surface.

Amended claim 1 specifies that the method is used in a die-casting or moulding process. However, this feature cannot be considered to contribute to an inventive step since the prior art devices also relate to processes wherein high temperatures and difficult environmental aspects are to be expected.

As can be seen from eg D1, D2 and D3 it is also commonly known to make the measurements with an adjustable equipment which can be moved in order to scan

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB 03/02313

the object to be measured. Thus, these documents disclose a mapping of values which give an overview of the process and the state of the object (eg the furnace) to be detected. Also in this prior art there is provided computer systems for recording and control. In document D2 for example, there is provided means for detecting and warning of hot spots. In D1 the dynamic monitoring of temperatures gives information on the regeneration process. Thus, it is obvious to the skilled person that the systems of the prior art are used to provide feedback on the process and if desired can be used to directly intervene in the process.

Further, according to the description an important feature of the claimed apparatus is that the measurement device is positioned in a housing (structure) comprising a shutter in order to protect the measurement device when no measurement is performed.

Although such shutter is not explicitly mentioned in these documents it is considered obvious for the skilled person to provide such a protective shutter if desired. The problem of environmental damage to such a measurement device is well known (see eg D7: c. 1, l. 25-30) and the use of a protective shutter is considered as an obvious alternative which the skilled person would incorporate without an inventive action.

Thus, in view of the cited documents the presently claimed method is not considered inventive.

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New amended CLAIM

CLAIMS

1) Method to detect the distribution of service temperatures in a die-casting or moulding process, CHARACTERISED BY THE FACT includes the automatic and programmable performance of explorative excursions done by the means of an adjustable equipment (1) connected to a structure (2), provided with shutter (3), which contains a pointer device (5) and a radiation sensor (4) which , after having detected the thermologic parameters of the process, send them to a computer (9) which processes , visualizes and register them to control and regulate the distribution of the service temperatures in the course of the process.